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E-filed 04/21/2010

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In KELLEY REITER, et al.

No. C 09-6030 RS

Debtors.

**ORDER DENYING MOTION TO
STRIKE**

JOHN G. WARNER,

Appellant,

v.

JOSEPH REITER,

Appellee.

Appellee's responsive brief herein was submitted eleven days late and in violation of the page length requirements. While failure to adhere to briefing deadlines and rules is not to be condoned, neither violation warrants the remedy of striking Appellee's brief, particularly where Appellee has now submitted an amended brief conforming to the page limits. Appellant also seeks to have the brief stricken on grounds that it was "ghostwritten" by an attorney who has represented

1 Appellee in related proceedings in state court, but who has not formally appeared in the bankruptcy
2 court or in this appeal. The Court will take up Appellant's request for monetary sanctions and other
3 relief related to the "ghostwriting" when it decides the appeal. At this juncture, even if the Court
4 were to presume that there has been some impropriety on the part of *the attorney*, there is no basis to
5 penalize *the party* by striking the brief. The motion to strike is DENIED. Appellant's reply brief
6 shall be due fourteen days from the date of this order.

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8 IT IS SO ORDERED.

9 Dated: 04/21/2010



10 RICHARD SEEBORG
11 UNITED STATES DISTRICT JUDGE

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